

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CATHY LOUISE MCCOY,)	
)	
Plaintiff,)	Case No. 3:06-0798
)	Judge Nixon
v.)	Magistrate Judge Griffin
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,¹)	
)	
Defendant.)	

ORDER

Pending before the Court is Defendant's ("Defendant" or "Commissioner") Second Motion to Dismiss for Lack of Prosecution ("Motion") (Doc. No. 21), to which Plaintiff Cathy Louise McCoy ("Plaintiff") did not file a Response. This case was referred to Magistrate Judge Griffin ("Magistrate Judge"), who issued a Report and Recommendation ("Report") that Defendant's Motion be granted, citing Plaintiff's repeated failures to submit any filings or communicate in any way with the Court since filing the original Complaint, despite a number of Orders instructing otherwise. (Doc. No. 22.) Plaintiff has not filed any Objections to the Report.

After review, the Court hereby **ADOPTS** the Report in its entirety. Accordingly, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Court **GRANTS** Defendant's Motion

¹ Michael J. Astrue was sworn in as Commissioner of Social Security on February 12, 2007. Pursuant to Federal Rule of Civil Procedure 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astrue is automatically substituted as Defendant in the above-captioned case, and no further action is necessary to continue this case.

and the case is **DISMISSED**. This Order terminates this Court's jurisdiction over the above-styled action.

It is so ORDERED.

Entered this the 21 st day of December 2008.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT